

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TIMOTHY LINEHAN, on behalf of
11 Plaintiff and a class,

12 Plaintiff,

13 v.

14 ALLIANCEONE RECEIVABLES
15 MANAGEMENT, INC.,

Defendant.

CASE NO. C15-1012-JCC

ORDER

16 This matter comes before the Court on Plaintiff Alexandra Hewardt Anderson's motion
17 to dismiss (Dkt. No. 284). Anderson seeks a dismissal without prejudice of her Washington
18 Consumer Protection Act (WCPA) claim against Defendants Audit & Adjustment Company, Inc.
19 and Kimberlee Walker Olsen. (*Id.* at 1.)

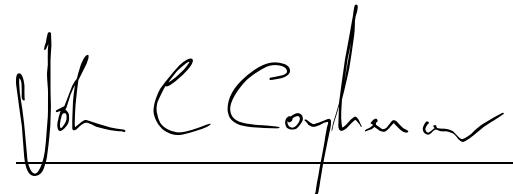
20 Typically, a "plaintiff's motion to dismiss a single claim of a multi-count complaint is
21 properly treated as a motion to amend under Fed. R. Civ. P. 15." *Gronholz v. Sears, Roebuck &*
22 *Co.*, 836 F.2d 515, 517 (9th Cir. 1987). Here, however, the pleading amendment deadline passed
23 a month before Anderson filed her motion. (*See* Dkt. Nos. 122, 284.) Thus, Anderson's "ability
24 to amend h[er] complaint [i]s governed by Rule 16(b), not Rule 15(a)." *See Johnson v. Mammoth*
25 *Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992). Under the Rule 16(b) standard, Anderson
26 must show "good cause" to modify the case schedule. *See* Fed. R. Civ. P. 16(b)(4).

1 Anderson argues that good cause exists here because, in light of the Court's denial of
2 class certification, she determined that the amount of money at issue for her WCPA claim does
3 not justify the resources that would be expended. (Dkt. No. 294 at 2.) Anderson further asserts
4 that removing her WCPA claim will be more efficient for the parties and the Court. (*Id.*) Given
5 this efficiency, as well as Anderson's relatively late joinder, the Court finds good cause to excuse
6 her untimely filing.

7 Accordingly, Anderson's motion to dismiss (Dkt. No. 284) is GRANTED. Anderson's
8 claim is dismissed without prejudice.

9 DATED this 13th day of February 2017.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE